

REMARKS

Claims 1, 3, 5-13, 18, 23 and 24 are pending. No new matter has been added by way of the present amendment. For instance, claim 1 has been amended to include subject matter taken from originally filed claims 2 and 4. The claims have also been amended such that the recitation of "lower" groups has been replaced with suitable specific ranges of carbon atoms. Also, the terms "substituted", "nitrogen-containing aliphatic heteromonocyclic" and "heteroaryl" has been defined as supported by the originally filed disclosure. Claims 2, 4, 14-17 and 19-22 have been cancelled and claim 13 has been amended to be dependent upon claim 1. New claim 23 is based upon claim 12 as filed and new claim 24 is based upon claim 18 as filed. Lastly, the dependency of several other claims has been altered. Accordingly, no new matter has been added.

In view of the following remarks, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 1-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse these rejections.

In particular, the Examiner asserts that the terms "substituted," "nitrogen-containing aliphatic heteromonocyclic," and "heteroaryl" in independent claims 1 and 14-17 are indefinite due to the allegedly broad scope that is encompassed by these terms. Applicants submit that these terms have been amended to be more specifically defined based on the present specification. For instance, reference is made to the present specification at page 2, line 30 ~ page 4, line 24 for (A) group, page 4, line 25 ~ page 5, line 3 for (B) group, page 5, line 4 ~ page

6, line 5 for (C) group, page 6, lines 6-7 for (D) group, page 6, lines 8-23 for (E) group, and page 6, lines 24-31 for R². Further, reference is also made with respect to the term “nitrogen-containing aliphatic heteromonocyclic group” based on page 7, lines 1-7. Further, the term “heteroaryl” is defined at page 7, lines 8-19. In view of the above, these rejections are moot.

Applicants further point out that the typographical error found in R³ of claim 14 is moot due to the cancellation of claim 14.

Further, as to independent claim 13, Applicants have amended claim 13 to depend from claim 1 as suggested by the Examiner in the Office Action at pages 2 and 3.

In view of the above, Applicants respectfully submit that all issues under 35 U.S.C. §112, second paragraph are moot. The Examiner is thus requested to withdraw these rejections.

Issues under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 19-22 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants traverse and submit that claims 19-22 are cancelled. Thus, this rejection is moot. Reconsideration and withdrawal thereof are respectfully requested.


In view of the above, Applicants respectfully submit that the present application is in condition for allowance. The Examiner is therefore respectfully requested to withdraw all rejections and allow the currently pending claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 27, 2007

Respectfully submitted,

By  #42874
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant